

CORPORATION OF NORTH ALGONA WILBERFORCE TOWNSHIP

BY-LAW NO. 2015-03

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS.

WHEREAS, pursuant to Section 238 (2) of the Municipal Act, 2001, S.O., 2001 c. 25 as amended, every Council and local board shall pass a procedural By-Law for governing the calling, place and proceedings of meetings;

NOW THEREFORE the Council of the Corporation of North Algona Wilberforce Township hereby enacts as follows:

1. In this By-Law
 - a) "Clerk Treasurer" means the Clerk Treasurer of North Algona Wilberforce Township
 - b) "Council" means the Council of North Algona Wilberforce Township
 - c) "Head of Council" means the Mayor of North Algona Wilberforce Township
 - d) "Municipality" means the Corporation of North Algona Wilberforce Township
 - e) "Committee" means a Committee of Council and includes Standing Committees, Joint Committees, Ad Hoc Committees and Sub-Committees
 - f) "Committee Chair" means the Chair of any of the above noted Committees.
 - g) "Members" means a Member of Council including the Mayor.
 - h) "Meeting" means any Regular, Special, Committee or other Meeting of Council
 - i) "Special Meeting" means a Meeting other than a regularly scheduled Meeting called pursuant to the Act or the provisions of this By-Law
 - j) "Closed Meeting" means a Meeting closed to the public as defined by the Municipal Act
 - k) "Notice of Meeting" is deemed to be given on the day that the notice is hand delivered, mailed, faxed or e-mailed
 - l) "Presiding Officer" shall in all cases refer to the Mayor or in the absence of the Mayor, the Member of Council chosen by a majority vote to act as Presiding Officer for the purpose of presiding over a session of Council until the arrival of the Mayor
 - m) "Act" means the Municipal Act, as amended from time to time.
2. The rules and regulations contained in this By-Law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business by Council and its Committees. The rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

COUNCIL MEETINGS

3. Meetings of Council shall be held in the Council Chambers. The Inaugural Meeting of Council shall take place at 7:00 p.m. on the first Monday of December following the election. The next and each succeeding regular Meeting of Council shall be held on the first and third Monday of each month at 7:00 p.m.
4. When the day for a Regular Meeting of Council is a public or civic holiday, Council shall, unless Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.
5. The Head of Council may at any time summon a Special Meeting of Council on 48 hours notice to the Members of Council or, upon receipt of the petition of the majority of the Members of Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition. Forty-eight hours notice of all Special Meetings of Council shall be given to the Members through the Clerk's office. The only business to be dealt with at a Special Meeting is that which is listed in the notice of the Meeting.
6. In the case of the absence of the Head of Council, or if the Mayor is absent through illness, or the Mayor refused to act, or the Mayor's office is vacant, a Member of Council shall be appointed to act from time to time in the place and stead of the Head of Council, and the appointed Member shall have all the rights, powers, and authority of the Head of Council while doing so.

7. Council may meet at a location other than the Council Chambers during a declared emergency.

CALLING THE MEETING TO ORDER AND QUORUM

8. As soon after the hour fixed for the holding of the Meeting of Council as a quorum is present, the Head of Council shall take the Chair and call the Meeting to order.

ABSENCE OF HEAD OF COUNCIL

9. Subject to the provisions of the Municipal Act, and where no Presiding Officer has been appointed under Clause 6 of this By-Law, in case the Head of Council does not attend within fifteen minutes after the time appointed for a Meeting of Council, the Clerk or designate shall call the Members to order and an Acting Head of Council shall be appointed from among the Members present and the Appointee shall preside until the arrival of the Head of Council and while so presiding the Acting Head of Council shall have all the powers of the Head of Council.

NO QUORUM

10. If no quorum is present one half hour after the time appointed for a Council or Committee Meeting, the Clerk or recording secretary shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting, or until rescheduled.

CURFEW

11. No item of business may be dealt with at Council or Committee meetings after 11:00 p.m. Business may be continued upon a Resolution being passed by a unanimous vote.
12. The curfew does not apply during a declared emergency.

CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

13. It shall be the duty of the Head of Council or other Presiding Officer:
 - a) to open the Meeting of Council by taking the Chair and calling the Members to order;
 - b) to announce the business before Council in the order in which it is to be acted upon;
 - c) to receive and submit, in the proper manner, all Motions presented by the Members of Council;
 - d) to put to vote all questions which are moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
 - e) to decline to put to vote Motions which infringe the rules of procedure;
 - f) to restrain the Members, within the rules of order, when engaged in debate;
 - g) to enforce on all occasions the observance of order and decorum among the Members;
 - h) to call by name any Member persisting in breach of the rules of order of the Council; thereby ordering the Member to vacate the Council Chambers;
 - i) to receive all messages and other communications and announce them to Council;
 - j) to authenticate, by signature all By-laws, Resolutions and Minutes of Council;
 - k) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
 - l) to represent and support Council; declaring its will, and implicitly obeying its decisions in all things;
 - m) to ensure that the decisions of Council are in conformity with the Laws and By-Laws governing the activities of Council;
 - n) to adjourn the Meeting when the business is concluded;
 - o) to adjourn the Meeting without question put, in the case of grave disorder arising in the Council Chambers.

AGENDAS AND SUPPORTING MATERIAL

14. The Clerk shall have prepared and printed for the use of the Members at all Meetings of Council. Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-Law:

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|-------------------------------------|----------------------------------|
| 1. Meeting Called to Order | 12. Unfinished Business |
| 2. The Lord's Prayer | 13. New Business |
| 3. Approval of Agenda | 14. Public Works – Roads & Waste |
| 4. Disclosure of Financial Interest | 15. Committee Reports |
| 5. Adoption of Minutes | 16. Heritage Radio Advertising |
| 6. Delegations | 17. Shoreline |
| 7. County Council Update | 18. Correspondence |
| 8. Municipal Officers Report | 19. Visitors |
| 9. Accounts | 20. In Camera |
| 10. By-Laws & Agreements | 21. Confirming By-Law |
| 11. Land Severance | 22. Adjournment |

AGENDAS AND SUPPORTING MATERIAL (Continued)

15. The business of Council shall in all cases be taken up in the order in which it stands upon the Agenda unless otherwise decided by Council. Any additions to the circulated Agendas must be approved by Council or Committee at the start of the Meeting.
16. Submissions received from the Public in writing may become part of the Public Record.
17. Council Agendas, along with supporting material shall be prepared and made available to Members on the Thursday prior to the Regular Meeting.

MINUTES

18. Minutes shall record:
 - a) the place, date, and time of the Meeting
 - b) the names of the Presiding Officer or officers and record of the attendance of the Members
 - c) the reading, if requested, correction and adoption of the Minutes of prior Meetings
 - d) the names of Visitors or Delegations present
 - e) all other proceedings of the Meeting without note or comment.

DELEGATIONS

19. Persons presenting petitions to Council shall have said petition legibly written or printed, and said petition shall not contain any obscene or improper matter of language, and shall be signed by at least one person, and filed with the Clerk at least forty-eight (48) hours (two working days) before the commencement of the Meeting of Council.
20. Persons presenting questions to Council without advance notice may have to wait for the answer. This is to allow Council time to acquire the information requested and make it available at the next Meeting of Council.
21. All persons requesting to approach Council in advance shall be dealt with first if present and everyone else later.
22. Everyone may be heard by leave of the Presiding Officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to ten (10) minutes speaking.

BYLAWS

23. No By-Law, except a By-Law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
24. When introduced, every By-Law shall be in typewritten form, and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provision of any Act and shall be completed with the exception of the number and date thereof.
25. Every By-Law shall have three (3) readings prior to it being passed.
26. The first reading of a By-Law shall be decided without amendment or debate.

27. If the Council determines that the By-Law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
28. If Council so determines, a By-Law may be taken as read.
29. The Clerk shall set out on all By-Laws enacted by Council the date of the several readings thereof.
30. Every By-Law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in the Clerk's office for safekeeping.

MOTIONS

31. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
32. A motion must be formally moved and seconded before debate may arise or before the question can be put or a motion recorded in the minutes.
33. When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.
34. A motion to amend shall:
 - a) be presented in writing
 - b) be dealt with by Council before a previous amendment or the main motion
 - c) not be further amended more than once provided that further amendment may be made to the main motion
 - d) be relevant to the main motion
 - e) not propose a direct negative to the main motion.

VOTING ON MOTIONS

35. Immediately prior to voting on a motion the Presiding Officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
36. After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
37. On a unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
38. When a member present requests a recorded vote, the member requesting the vote shall vote first, and the remaining members present at the Council or Committee Meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results.
39. Section 246 (1) (2) of the Municipal Act, 2001 c.25, as amended
 Recorded Vote – If a Member present at a Meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.
 Failure to Vote – A failure to vote under subsection (1) by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

RULE OF DEBATE

40. Debate on any question shall be conducted in proper decorum.

POINTS OF ORDER AND PRIVILEGES

41. The Presiding Officer shall preserve order and decide questions of order.
42. Council, if appealed to, shall decide the question without debate and its decision shall be final.

CONDUCT OF MEMBERS OF COUNCIL

43. No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor General, Lieutenant Governor of any Province, of any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of the Province of Ontario.
44. No Member shall:
- a) use offensive words or unparliamentary language in or against Council or against any member, staff or guest
 - b) speak on any subject other than the subject in debate
 - c) criticize any decision of Council except for the purpose of moving that the question be reconsidered

CONDUCT OF MEMBERS OF COUNCIL (Continued)

- d) disobey the rules of Council or a decision of the Presiding Officer of Council on questions of order or practice or upon the interpretation of the rules of Council, and in case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the Meeting of Council" but if the Member apologizes, the Member may, by vote of Council, be permitted to retake the seat.
45. When the Presiding Officer is putting the question, no Member shall leave or make a disturbance.
46. No person except Members and Officers of the Council shall be allowed to approach the Council table without permission of the Presiding Officer or Council upon reference.

OPEN/CLOSED (IN-CAMERA) MEETINGS

47. All Council and Committee Meetings shall be open to the Public.
48. Notwithstanding Paragraph 47 above, a Meeting of Council or a Committee may be closed to the Public if the subject matter being considered relates to: Section 239 (2) of the Municipal Act, 2001 c.25 as amended.
- a) the security of the property of the Municipality or local board
 - b) personal matters about an identifiable individual, including municipal or local board employees
 - c) a proposed or pending acquisition or disposition of land by the Municipality or local board
 - d) employee negotiations or labour relations
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board
 - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
 - g) a matter in respect of which Council, Board, Committee or other body may hold a Closed Meeting under another Act.
49. Council shall, by Resolution, close a Meeting or part of a Meeting to Members of the Public where the subject matter to be considered is a request under the Municipal Freedom of Information and Protection of Privacy Act.

SUSPENSION OF RULES

50. Any procedure required by this By-Law may be suspended with consent of a majority of the Members of Council present.

AMENDMENT

51. No amendment or repeal of this By-Law or any part thereof shall be considered at any Meeting of Council unless notice of proposed amendment or repeal has been given at a previous Regular Meeting of Council and the waiving of this notice by Council is prohibited.

EFFECTIVE DATE

52. This By-Law shall come into force and be effective upon the date of final passing thereof.

53. Where any By-Law passed prior to this By-Law conflicts with this By-Law, the terms of this By-Law shall prevail.

READ A FIRST AND SECOND TIME THIS 19th DAY OF FEBRUARY.

MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 19th DAY OF FEBRUARY.

MAYOR

CLERK